

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

LUES ASPRELLA CARDENAS,

Petitioner,

v.

**Civil Action No. 1:18cv131
(Judge Keeley)**

JOE COAKLEY,

Respondent.

**ORDER GRANTING MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
BUT DIRECTING PETITIONER TO PAY THE \$5.00 FILING FEE**

This § 2241 habeas corpus action is before the Court on the petitioner's Motion for Leave to Proceed *in forma pauperis* ("IFP"), filed on June 11, 2018.

All litigants are required to pay the costs and fees associated with civil lawsuits unless their financial condition warrants a grant of IFP status pursuant to 28 U.S.C. § 1915. Therefore, if a petitioner submits a certified copy of his trust fund statement for the six-month period immediately preceding the filing of the action, then the Court may consider his request.

In this case, the Petitioner's Prisoner Trust Account Report reports that he had average monthly deposits of \$116.14 during the six months prior to the filing of his case.

Therefore, although the Court finds that the petitioner is a pauper and **GRANTS** his IFP motion, because the petitioner receives sufficient funds to pay the \$5.00 filing fee, he will be required to pay that fee **within thirty (30) days from the date of this Order**. The failure to do so could result in the dismissal of this case without further notice.

IT IS SO ORDERED.

The Clerk is directed to send a copy of this Order to the *pro se* Petitioner by certified mail, return receipt requested, to his last known address as shown on the docket.

DATED: August 20, 2018

/s/ *Michael John Alo*
MICHAEL JOHN ALOI
UNITED STATES MAGISTRATE JUDGE